

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application or Patent of:

Docket No. 1115/0G778

Alan Forbes MERRY

Serial or Patent No: t/b/a (U.S. National Phase of International Application No. PCT/NZ98/00133  
filed 3 September 1998)

For:

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the  
concern identified below:

NAME OF CONCERN: SAFER/SLEEP LIMITED

ADDRESS OF CONCERN: 32/ Glendowie Road, Glendowie, Auckland, New Zealand

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

**Definitions:** For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled , by inventor(s) described in

- ☐ the specification filed herewith  
☒ application Serial No. PCT/NZ98/00133, filed 3 September 1998  
☐ Patent No. , issued .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below" and no

rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entitled (37 C.F.R. 1.27)

NAME: Alan MERRY on behalf of SAGE SUBS LTD

ADDRESS: 32 Grenoville Rd Grenoville Ardenland  
NA

☒ INDIVIDUAL

☒ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME:

ADDRESS:

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON (IF OTHER THAN OWNER):

ADDRESS OF PERSON SIGNING:

SIGNATURE: Alan Merry

DATE: 12/3/2000

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Includes Reference to PCT International Applications)

ATTORNEY DOCKET NUMBER

1116/OG778

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and which a patent is sought on the invention entitled:

**CODING OF SYRINGES TO MONITOR THEIR USE**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☐ was filed as United States application
- Serial No. \_\_\_\_\_
- on \_\_\_\_\_
- and was amended
- on \_\_\_\_\_ (if applicable).
- ☒ was filed as PCT International application
- Number PCT/NZ98/00133
- on 3 September 1998
- and was amended under PCT Article 19
- on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY of PCT design PCT	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
New Zealand	328668	3 September 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PCT	PCT/NZ98/00133	3 September 1998	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Combined Declaration for Patent Application and Power of Attorney (Continued)</b> <small>(Includes Reference to PCT International Applications)</small>				<b>ATTY'S DOCKET NUMBER</b> 1115/DG778	
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:</b>					
<b>U.S. APPLICATIONS</b>			<b>STATUS (Check one)</b>		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBER ASSIGNED (if any)			
<b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Morris Nelson #15,109, Gordon D. Coplein #18,185, William F. Dudine, Jr. #20,569, Michael J. Swedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Joseph B. Lerch #26,839, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adde C. Gogoris #29,714, Martin E. Goldstein #29,869, Bert J. Lawen #30,407, Henry Sternberg #23,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, and Joseph R. Robinson #33,448					
Send Correspondence to: <u>Bert J. Lawen, Esq.</u> <u>DARBY &amp; DARBY P.C.</u> <u>805 Third Avenue</u> <u>New York, New York 10022-7513</u>			Direct Telephone Calls to: <small>(name and telephone number)</small>  <u>Bert J. Lawen, Esq.</u> <u>(212) 527-7700</u>		
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
1	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
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0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
3	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE/COUNTRY
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 203		SIGNATURE OF INVENTOR 205	
DATE		DATE		DATE	

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

(Includes Reference to PCT International Applications)

ATTORNEY DOCKET NUMBER

1115/OG778

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and which a patent is sought on the invention entitled:

CODING OF SYRINGES TO MONITOR THEIR USE

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on \_\_\_\_\_

and was amended

on \_\_\_\_\_ (if applicable).

☒ was filed as PCT international application

Number PCT/NZ98/00133

on 3 September 1998

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).



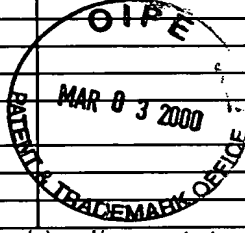
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**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
New Zealand	328668	3 September 1997	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PCT	PCT/NZ98/00133	3 September 1998	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Combined Declaration for Patent Application and Power of Attorney (Continued)</b> (Includes Reference to PCT International Applications)				ATTY'S DOCKET NUMBER <b>1115/0G778</b>	
<p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:</p>					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:</b>					
<b>U.S. APPLICATIONS</b>			<b>STATUS (Check one)</b>		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED	
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>					
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NUMBER ASSIGNED (if any)			
<p><b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Morris Relson #15,108, Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen 19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, and Joseph R. Robinson #33,448</p>					
<b>Send Correspondence to:</b> Bert J. Lewen, Esq. DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022-7513			<b>Direct Telephone Calls to:</b> (name and telephone number)  <div style="text-align: center;">(212) 527-7700 attorney name</div>		
<b>201</b>	FULL NAME OF INVENTOR	FAMILY NAME <b>MERRY</b>	FIRST GIVEN NAME <b>Alan</b>		SECOND GIVEN NAME <b>Forbes</b>
	RESIDENCE & CITIZENSHIP	CITY <b>Ashington</b>	STATE OR FOREIGN COUNTRY <b>New Zealand</b>		COUNTRY OF CITIZENSHIP <b>New Zealand</b>
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>32 Glendowie Road</b>	CITY <b>Glendowie, Auckland</b>		STATE & ZIP CODE/COUNTRY <b>New Zealand</b>
<b>202</b>	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE/COUNTRY
<b>203</b>	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY		STATE & ZIP CODE/COUNTRY
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.</p>					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203	
DATE		DATE		DATE	